REMARKS

Claims 24-48 are pending in the instant application. Claims 24-48 have been rejected. Claims 24, 41 and 46 have been amended. Claim 34 has been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

I. Withdrawn Objections

Applicants acknowledge the withdrawal of the objection to the specification.

II. Rejections Under 35 U.S.C. §102

Claims 24-31, 34-35, 38, 40-43 and 45-48 remain rejected under 35 U.S.C. 102(b) as being anticipated by Price et al. (US 4,128,658) for the reasons of record. Applicants respectfully disagree with this rejection.

Applicants maintain that the Cutina HR of Price et al. does not fall within the scope of "castor oil" as used in the context of the present invention, because Cutina HR is a hydrogenated caster oil, which is a solid rather than a liquid. See Price et al. column 29, lines 37-41, wherein the solid Cutina HR is moistened. However, in the interest of placing the claims in better form for consideration, Applicants have amended independent claims 24, 41, and 46 to specify that the oily substance is selected from the group of neutral oil, sesame oil, peanut oil, olive oil, almond oil, soybean oil, coconut oil, cottonseed oil, corn oil, rape oil, sunflower oil, wheat kernel oil liquid paraffin, wax solutions in organic oil, and low viscosity wax as directly supported by the paragraph bridging

pages 9 and 10 of the instant specification. Because this amendment is also supported by claim 34 as previously presented, claim 34 has been canceled.

In so far as Price et al. fail to teach or suggested the oily substances as presently claimed, this reference can not be held to anticipate the subject matter of the instant invention. Therefore, it is respectfully requested that this rejection under 35 U.S.C. 102(b) be reconsidered and withdrawn.

III. Rejections Under 35 U.S.C. §103

Claims 32-33, 36-37, 39 and 44 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al. (US 4,128,658) in view of Santus et al. (US 5,472,704) for the reasons of record. Applicants respectfully traverse this rejection.

As discussed above, Price et al. fail to teach the use of the oily substances set forth in the claims as currently presented. In so far as Santus et al. fail to compensate for the deficiencies in the teachings of the primary reference, the combined teachings of Price et al. and Santus et al. cannot be held to make the present invention obvious. Indeed, the oily substances as presently claimed form an even coating over the particles thereby negating the undesirable properties of the active ingredient particles, *e.g.*, their hydrophilic or corrosive properties. Such a technical advantage cannot be achieved using the Cutina HR in Industrial Methylated Spirit of Price et al. as this substance will precipitate on the surface of the granules upon evaporation of the solvent and lead to an uneven coating (see Declaration of Dr. Otto of record). Thus, the oily substance

of the present invention has an entirely different effect than the Cutina HR solution of the cited art such that it would not be obvious to substitute the Cutina HR of Price et al. with the oily substances as presently set forth in claims 24, 41, and 46 and claims dependent therefrom.

MPEP 2143 indicates that in order to support a *prima facie* case of obviousness, all the claimed elements must have been known in the prior art such that one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *KSR*, 550 U.S. at ___, 82 USPQ2d at 1395; *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

In so far as there is no teaching in the cited documents of using the oily substances presently claimed in a granulation process, the combined teachings of the cited references fail to make the present invention obvious. It is therefore respectfully requested that this rejection be reconsidered and withdrawn.

IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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Date: **October 31, 2008**

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